

**GAY ANNE JAYME, PETITIONER, VS. PEOPLE OF THE PHILIPPINES,
HONORABLE JUDGE CARLITO B. CALPATURA, AALIYAH GOURMET
DELICATESSEN, INC., AND S&L FINE FOODS, INC.,
RESPONDENTS.**

Ponente: BALTAZAR-PADILLA, J.

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BALTAZAR-PADILLA, J.:

Before US is a Motion for Extension of Time to file Petition for Certiorari. Petitioner states that she had until April 27, 2014 to file a petition for certiorari having received a copy of the assailed Order dated February 21, 2014 of the public respondent Regional Trial Court Judge on February 26, 2014. However, due to the need to review and refine the draft petition her counsel already prepared and due to unusual volume of work of said counsel consisting of preparation of equally important papers/pleadings, attendance in court and conferences with clients, she prays that she be granted an extension of fifteen (15) days or until May 12, 2014 to submit the petition. She adds that the motion for extension is not interposed for purposes of delay.

Pursuant to Sec. 4, Rule 65[1] of the 1997 Rules of Civil Procedure, the petition for certiorari should be filed within a period of 60 days from notice of the assailed judgment, order, or resolution. As a rule, the 60- day period is inextendible to avoid any unreasonable delay that would violate the constitutional rights of parties to a speedy disposition of their case.[2] While there are exceptions to this rule, the instant case is not among them.

In *Labao v. Flores*, the recognized exceptions to the strict observance of the rules of procedures are enumerated as follows: (1) most persuasive and weighty reasons; (2) to relieve a litigant from an injustice not commensurate with his failure to comply with the prescribed procedure; (3) good faith of the defaulting party by immediately paying within a reasonable time from the time of the default; (4) the existence of special or compelling circumstances; (5) the merits of the case; (6) a cause not entirely attributable to the fault or negligence of the party favored by the suspension of the rules; (7) a lack of any showing that the review sought is merely frivolous and dilatory; (8) the other party will not be unjustly prejudiced thereby; (9) fraud, accident, mistake or excusable negligence without appellant's fault; (10) peculiar legal and equitable circumstances attendant to each case; (11) in the name of substantial justice and fairplay; (12) importance of the issues involved; and (13) exercise of sound discretion by the judge guided by all the attendant circumstances.

Clearly, to be exempted from the strict application of the rules, there should be an effort on the part of the party invoking liberality to advance a reasonable or meritorious explanation for failure to comply with the rules.[3] Petitioner manifestly failed in this respect.

WHEREFORE, the foregoing considered, petitioner's motion for extension of time is DENIED.

SO ORDERED.

Tijam, N.G., Chairperson and [*]Sorongon, E.D., JJ., concur.

[*] Vice J. Reyes-Carpio as per Office Order No. 200-14-ABR dated May 9, 2014

[1] As amended by A.M. No. 07-7-12-SC

[2] See Laguna Metts vs. Court of Appeals, 594, SCRA 130 (2009)

[3] 634 SCRA 723 (2010)

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